IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 714 of 2003

Smt.Parpati Ramchand Advani & Ors. ...Applicants

V/s

1.Mr.Nitin Shashidhar Dalvi & Anr. ...Respondents

Shri Dinesh Tiwari i/b Miss P.R.Mala for applicants

Ms. Vaidehi Mhaisapurkar for respondent No.1

Shri D.P. Adsule, APP for the State

CORAM: V.M. KANADE, J.

DATED: MARCH 4,2005

P.C. :-

. The petitioners are the accused No.3,4 and 5 in the criminal complaint bearing No.892/S/2001 filed by complainant under section 138 of Negotiable Instruments Acts pending in Judicial Magistrate First Class at Kalyan. The petitioners are challenging the order passed by Judicial Magistrate First Class in the application filed by applicants under section 205 of Criminal Procedure Code seeking exemption for appearing upto trial. It is submitted by learned counsel for petitioner that petitioner No.1 is a 83 years old, petitioner No.2 is a 69 years old and petitioner No.3 is a 65 years old and therefore, they are

not in a position to attend each and every date in the trial court. The learned counsel for petitioner submits that plea of petitioners is to be recorded. He also submits that petitioners were appearing in the trial court for recording their plea. The trial court to record a plea of the petitioner on the date on which they remain present. This process should be completed within a period of 15 days. Thereafter, the trial court may grant exemption to the petitioners for appearing in the court. Plea may be recorded through the advocate. The petitioners statement under section 313 of Criminal Procedure Code may be recorded through their advocate. The trial court to decide the case as expeditiously as possible, in any case within a period of 3 months.

(V.M.Kanade,J.)